

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 7, 2008

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Superintendent Huskey.

Alex Intermill, Debbie Scott, Nicole Upano, Brad Klopfenstein, Connie Vickery and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the April 15, 2008 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the May 7, 2008 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Five hundred ninety-six (596) renewals approved, seventy-one (71) new and/or transfer permits approved, twelve (12) permits approved for catering, five (5) permits approved for first year escrow, eight (8) permits approved for second year escrow, five (5) permits approved for third year escrow, two (2) permits approved for fourth year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL40-23878 MAC'S CONVENIENCE STORES, LLC – Chairman Heath noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board agreed there was no need or desire in the community for the services.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL40-23879 MAC'S CONVENIENCE STORES, LLC – Chairman Heath noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board agreed there was no need or desire in the community for the services.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL40-23860 WAL-MART STORES EAST LP – Chairman Heath noted this is a new type 208 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated there were petitions submitted both for and against the issuance of this permit, but the local board agreed there was no need or desire in the community for the services.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL36-23880 MAC'S CONVENIENCE STORES, LLC – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL36-23881 MAC'S CONVENIENCE STORES, LLC – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL20-23837 WAL-MART STORES EAST LP – Chairman Heath noted this is a new type 208 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL83-23841 WAL-MART STORES EAST LP – Chairman Heath noted this is a new type 208-3 application with the local board voting two (2) to two (2).

Commissioner Guthrie moved to approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL82-23848 MAC'S CONVENIENCE STORES, LLC – Chairman Heath noted this is a new type 115 application with the local board voting two (2) to two (2).

Commissioner Guthrie moved to approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL11-23839 WAL-MART STORES EAST LP – Chairman Heath noted this is a new type 208 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR91-18901 SAYLER'S BAR & GRILL, INC. – Chairman Heath noted this is a type 209 renewal application with the local board voting four (4) to zero (0) to approve for one year.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal for one year. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR67-23846 & 23847 SHAWN ROUTH – Chairman Heath noted this is a new type 103 application and a new type 210-1 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permits. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR91-10315 COUSERT, INC. – Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board cited character and fitness of the permittee as reasons for recommending denial of the renewal. However, it appears that there may be an effort to transfer this permit to another owner.

Commissioner Guthrie moved to table this until the details can be sorted out regarding the possible transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR89-23867 CALIBER HOLDINGS, LLC – Chairman Heath noted this is a new type 210 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR89-23800 ERIC SHIPP – Chairman Heath noted this is a new type 221-3 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

PERMITS MADE INACTIVE - Vice Chairman Johnson moved to make twenty-eight (28) permits inactive. Twenty-five (25) permits are not subject to auction and three (3) permits are subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

OLD BUSINESS

DL61-23238 BUCHANAN & BUCHANAN ENTERPRISES, D/B/A TIKI HUT – Commissioner Guthrie stated the local board questioned the ownership of this corporation at the local board meeting, because proof of ownership was not provided to them. The attorney for the permittee submitted paperwork to the Commission regarding the ownership of this corporation and it appears to be in order.

Commissioner Guthrie moved to approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

NEW BUSINESS

GAMING SITE PERMIT – Executive Secretary Choe requested the Commission authorize the publication of the new rule regarding Type II Gaming.

Commissioner Guthrie moved to approve this request. Motion seconded by Commissioner Sturtz and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2008.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER